

Date: February 18, 1997

Case No. 96-ERA-39

In the Matter of:

KURT DAHL,
Complainant

v.

ILLINOIS POWER COMPANY,
Respondent

Before: Daniel J. Roketenetz
Administrative Law Judge

RECOMMENDED DECISION AND ORDER
APPROVING SETTLEMENT AGREEMENT

This proceeding arises under Section 211 of the Energy Reorganization Act, 42 U.S.C. §5851 (1988), and its implementing regulations at 29 C.F.R. Part 24. A formal hearing in this case was scheduled for 1:00 p.m. on February 18, 1997, in Peoria, Illinois.

Prior to the hearing the parties notified this office that they had reached a settlement, and on February 10, 1997, the Respondent submitted a Motion for Approval of Settlement Agreement and Dismissal with Prejudice. Attached to the motion is Exhibit 1, a Settlement Agreement, duly executed by all parties to this litigation, attached hereto and made a part hereof. I have reviewed the agreement and I enter the following findings:

1. The agreement appears to be fair and reasonable on its face and it further appears that it effectuates the purposes and policies of the statute under which it arises;
2. This Recommended Decision and Order shall have the same force and effect as one made after a full hearing on the merits;
3. The entire record on which this Recommended Decision and Order is based consists solely of the Complaint and the Agreement between the parties;
4. The parties have certified that the Settlement Agreement and accompanying Appendix are the entire agreement between the Complainant and the Respondent; and,

5. The parties are hereby deemed to waive any further procedural steps before the undersigned or the Secretary of Labor, as appropriate, regarding the matters which are the subject of their Agreement.

Based on the foregoing, and in accordance with the agreement of the parties, IT IS ORDERED that:

1. The hearing in this matter scheduled for February 18, 1997, in Peoria, Illinois, is hereby CANCELLED;
2. The Agreement be, and it hereby is, APPROVED;
3. The Complaint in this matter be, and it hereby is, DISMISSED, with prejudice.

DANIEL J. ROKETENETZ
Administrative Law Judge

NOTICE: Secretary's Order 2-96 delegated the authority and assigned the responsibility of issuing final decisions to the Administrative Review Board in employee protection cases adjudicated under the regulations at 29 C.F.R. Parts 24 and 1978. See 61 Fed. Reg. 19982 (1996). This Recommended Decision and Order and the administrative file in this matter will be forwarded for review and final decision to the Administrative Review Board, U.S. Department of Labor, Room S-4309, Frances Perkins Building, 200 Constitution Ave., N.W., Washington, D.C. 20210.